

## REMARKS

This amendment responds to the office action mailed January 12, 2007. In the office action the Examiner:

- allowed claims 15-30 and 32;
- rejected claims 1, 3-13 and 31 under 35 U.S.C. §102(e) as anticipated by Newman *et al.* (US 2005/0177675);
- objected to claim 14 as being dependent upon a rejected base claim.

Independent claims 1 and 31 have been amended to recite, *inter alia*, that “the usage characteristic of at least some memory transactions is updated during operation.” Support for this amendment may be found, for example, in paragraph 0055 of the specification.

Dependent claim 4 has been amended to correct an informality. No new matter has been added.

Claims 11, 12, 15 and 32 have been revised to correct antecedent references and to replace the word "The" with "A" as the first word of claims 15 and 32.

*Newman does not disclose all of the limitations of claims 1, 3-13 and 31.*

The portions of claim 1 that are discussed below are identified by bolded text in the following quoted portion of claim 1:

interface logic coupled to the first and second interfaces and configured to direct memory transactions having a predefined first characteristic to the first memory interface and to direct at least some memory transactions having a predefined second characteristic to the second memory interface, wherein the second characteristic comprises a usage characteristic selected from the group consisting of a read-mostly characteristic and read-only characteristic;  
and wherein the usage characteristic of at least some memory transactions is updated during operation.

The Office Action cites elements of Newman's figures 1b and 2 along with accompanying descriptions for teaching the invention. It should be noted that the peripheral controller 200 of Fig. 2 (Newman), which includes control logic 400, is a part of expansion card 202 and serves as an interface between the host computer 201, detailed in Fig. 1b, and external peripherals 204, 205.

The control logic 400 of Newman does not direct memory transactions to volatile or non-volatile memory devices based on the memory usage characteristics of those

transactions. Rather, memory transactions are directed to memory locations (i.e., addresses) solely based on the predefined location(s) of the information to be accessed. For example, system initialization information is obtained from non-volatile memory, because that is where this information is stored. The memory locations for system initialization information are fixed locations specified to the host CPU 300 and/or control logic 400 by the instructions being executed; there is no disclosure in Newman that supports determining the location to be accessed by a particular memory transaction based on a memory usage characteristic of the transaction.

In addition, there is no teaching in Newman that the usage characteristic of a memory transaction can be updated during operation. Changing the type of memory accessed by a memory transaction during operation would be contrary to the description in Newman.

For at least these reasons, Newman does not anticipate claims 1, 3-13, and 31.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-4000, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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